

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA §  
§  
v. § NO. 4:17CR39  
§ Judge Mazzant  
NIGEL GARRETT (2) §

**ELEMENTS OF THE OFFENSE**

You are charged in Count Four of the First Superseding Indictment with a violation of 18 U.S.C. § 249(a)(2), Hate Crimes Acts and § 2 Aiding and Abetting. The essential elements which must be proved beyond a reasonable doubt in order to establish a violation of that section are:

**18 U.S.C. § 249(a)(2), Hate Crimes Acts**

1. The defendant willfully caused bodily injury through the use of a firearm;
2. The harm occurred in connection with use of a channel, facility, and instrumentality of interstate commerce, the app and the internet, to commit the crime; and
3. The defendant did so because of the actual or perceived religion, national origin, gender, sexual orientation, gender identify, or disability of any person.

**18 U.S.C. § 2, Aiding and Abetting**

1. That the offense of a hate crime was committed by some person;
2. That the defendant associated with the criminal venture;
3. That the defendant purposefully participated in the criminal venture; and

4. That the defendant sought by action to make that venture successful.

Respectfully submitted,

BRIT FEATHERSTON  
Acting United States Attorney

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/s/  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed via electronic filing to defense counsel on August 10, 2017.

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/s/  
TRACEY M. BATSON